

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 62399

John Lee, Jr.  
Diana L. Shiflet  
2609 McComas Avenue  
Baltimore, MD 21222

7241 Holabird Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on August 5, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-401 (a), failure to cut and remove overgrown grass and weeds to a height of 3 inches or less and to maintain; Baltimore County Zoning Regulations (BCZR) section 101, 1B01.1A, 102.1, 1B01.1D and (BCC) section 13-4-104, failure to eliminate open dump conditions on residential property zoned DR 10.5 known as 7241 Holabird Avenue, 21222.

On July 14, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Robert Moorefield issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$24,400.00 (twenty four thousand four hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 10, 2009 for removal of open dump/junk yard; removal of trash and debris; proper storage of garbage in cans with lids; removal of high grass and weeds; and cease breeding mosquitoes. This Citation was issued on July 14, 2009. A \$25.00 civil penalty was previously imposed on April 13, 2009 for failure to store garbage properly.

B. Photographs in the file show garbage strewn on the ground in the alley behind this row house. Notes in the file indicate that this investment property is vacant. Court records show the property is in active foreclosure proceedings. However, the property owners are responsible for maintaining the property and the yard.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$100.00 (one hundred dollars).

IT IS FURTHER ORDERED that the County may enter the property for the purpose of removing all junk, trash, and debris, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 11<sup>th</sup> day of August 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer